

REMARKS

The examiner requires restriction to the invention of Group I, claims 1-12, or to the invention of Group II, claims 13 and 14. Applicants acknowledge the prior oral election of Group I for prosecution on the merits. This election was made without traverse.

Claims 1 and 10 have been amended to recite that the radial block copolymer has a styrene content of from about 25 to about 50 wt %. Support may be found, e.g., in original claim 5. Claim 5 has been canceled. Non-elected and withdrawn claims 13 and 14 have been canceled. No new matter has been added. Entry is requested.

Claims 3-5 are rejected under 35 U.S.C. 102, second paragraph, as being indefinite in reciting that the radial copolymer is part di-block. Applicants disagree. One skilled in the art know that when radial block copolymers are manufactured a certain amount of di-block remain unreacted and are present as di-block copolymers. Commercially available radial block polymers contain differing amounts of di-block depending on the method of manufacturing. One skilled in the art would clearly understand the metes and bounds of claims 3-5. Withdrawal of this Section 112, second paragraph rejection is requested.

Claims 1-11 are rejected under 35 U.S.C. 102 (e) as being anticipated by Lechat et al (US2005/0020773). The examiner points to paragraphs [006-0118] to support his assertion of anticipation.

Applicants disagree. Lechat does not anticipate applicants' claimed invention.

Lechat is directed to radial block copolymer compositions. The rubbers are described by Lechat as useful in the manufacture of pressure sensitive adhesive compositions for labeling applications. The radial block copolymers of Lechat are prepared by controlling the coupling efficiency of the coupling reaction so that at least 40 wt % of the di-block material remains uncoupled. As disclosed in paragraphs [0068] to [0071] the rubbers used in the adhesives of Lechat comprise from 10-35 wt %, more preferably from about 15 to 22 wt %, of styrene, and a minimum of at least 40 wt %, most preferable 70 wt % of di-block content. Paragraph [0116] referred to by the examiner

characterizes the polymer as containing 49.1 % di-block and having a styrene content of 16.6 wt %. A polymer of the type disclosed for use in applicants claimed hot melt adhesive is not disclosed so as to anticipate applicants' claim 1. Applicants claims 3 and 4, which require a di-block content of less than about 25, and than about 20 % are not anticipated. While the examiner urges that the "two-arm" material" reads on applicants' required linear block copolymer, this is mere speculation and, indeed, Lechat refers to it as being a radial block copolymer. The examiner asserts that the two arm material could be SIS linear block copolymer, Lechat fails to disclose its presence so as to anticipate the subject matter of claim 6.

Lechat fails to disclose a hot melt adhesive comprising a radial block copolymer (PS-PI-PB)_nX having a styrene content of from about 25 wt % to about 50 wt %, a linear block copolymer, and a tackifying resin, and wherein, based on the weight of the adhesive composition, the radial block copolymer is present in amounts of from about 15 wt % to about 35 wt %, the linear polymer is present in amounts up to about 20 wt %, the tackifying resin is present in amounts of from about 30 to about 70 wt %.

The Lechat rubber is described as being formulated into pressure sensitive adhesive compositions useful in labeling end uses. Such adhesives would not be useful for bonding elastomeric fibers in the manufacture of disposable absorbent articles as required in claims 10 and 11.

The claimed invention is not anticipated by Lechat. Withdrawal of this rejection is requested.

Claims 1-12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Diehl et al. (US 5,292,819). The examiner refers to Examples 1-4 and to Table 1 (col. 14).

Applicants disagree. Diehl does not anticipate applicants' claimed invention, which requires the presence of a linear block copolymer. Diehl fails to disclose the presence of a linear block copolymer, and the examiner fails to provide any supporting documentation that linear block copolymer would be a present by-product in the manufactured radial block copolymer. As such, Diehl fails to anticipate the claimed invention.

The claimed invention is not anticipated by Diehl. Withdrawal of this rejection is requested.

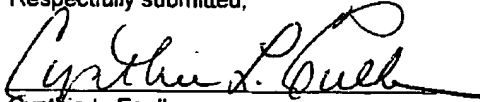
Claims 1-11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kueppers (US 5,939,483). While the examiner acknowledges that no specific examples exist having all applicants combination of materials, the examiner urges that the disclosure of Kueppers lies within the broad ambit of the claims.

Applicants disagree and submit that the examiner has not pointed to any disclosure that would motivate the skilled artisan to make the adhesive claimed by applicants. Moreover, the adhesive of Kueppers, is described for use in packaging applications., the viscosity of the Kueppers adhesive, typically less about 1500 cps at about 150°C, would not be useful as an elastic attachment adhesive and would not render obvious the subject matter of claims 10-12. See Table 1 (col. 10), in which the adhesive examples are reported to have viscosities ranging from 1100 to 1470 cPs and 150°C.

The claimed invention is not obvious over Kueppers. Withdrawal of this rejection is requested.

Applicants submit that the invention represents a patentable contribution to the art. Early and favorable action is requested.

Respectfully submitted,


Cynthia L. Foulke
Reg. No. 32,364

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National Starch and Chemical Company
P. O. Box 6500
Bridgewater, New Jersey 08807-0500
Telephone No.: 908-685-7483